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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

WILLIAM ARTELL MILES,

Defendant and Appellant.

B294740

(Los Angeles County
Super. Ct. No. BA443004)

THE COURT:

On February 21, 2017, the Los Angeles County District Attorney's Office filed an amended information charging defendant and appellant William Artell Miles with three counts of second degree robbery (Pen. Code, § 212.5, subd. (c); counts 2, 3, & 4). It was also alleged as to each count that the crime had been committed for the benefit of, at the direction of, and in association with a criminal street gang (Pen. Code, § 186.22, subd. (b)(1)(C)), rendering each offense a serious felony within the meaning of Penal Code section 1192.7, subdivision (c)(28). It was further alleged as to each count that a

principal had personally used a handgun within the meaning of Penal Code section 12022.53, subdivisions (b) and (e)(1), and that defendant had suffered a prior strike within the meaning of Penal Code section 1170.12. Moreover, it was alleged that defendant was ineligible for probation because he had twice previously been convicted in this state of a felony or in any other place of a public offense which, if committed in this state, would have been punishable as a felony. (Pen. Code, § 1203, subd. (e)(4).) (*People v. Miles* (Sept. 4, 2018, B283644) [nonpub. opn.])

On March 20, 2017, pursuant to a plea bargain, defendant pleaded nolo contendere to counts 2 and 3 and admitted that in the commission of the crime alleged in count 2 he had personally used a handgun. (Pen. Code, § 12022.53, subd. (b).) He was sentenced to serve three years in state prison for count 2 plus a consecutive 10-year term for the firearm enhancement, and a consecutive term of one year for count 3. Various fines were assessed, and defendant was awarded certain custody credits. (*People v. Miles, supra*, B283644.)

Defendant timely appealed. We reversed the judgment and remanded defendant's case to permit the trial court to exercise its discretion under Penal Code section 12022.53, subdivisions (c) and (h), to strike the firearm enhancement. (*People v. Miles, supra*, B283644.)

On November 29, 2018, following the issuance of a remittitur, the trial court held a hearing to determine whether to strike the firearm enhancement. The trial court stated that it reviewed the case and, based upon its familiarity with the case, decided not to strike the firearm enhancement. In particular, the trial court noted, "There's

nothing about this case that would lead me to strike the gun allegation.”

Defendant timely appealed the trial court’s November 29, 2018, order. Counsel was appointed to represent defendant in connection with this appeal. After examination of the record, counsel filed an “Opening Brief” in which no arguable issues were raised. On March 22, 2019, we advised defendant that he had 30 days within which to personally submit any contentions or issues for us to consider.

On May 17, 2019, we received defendant’s letter brief. He asserts four reasons as to why the trial court should have stricken the gun enhancement: (1) selected evidentiary issues (he was not identified as one of the suspects); (2) conflict of interest (other suspects were favored by the prosecutor); (3) predetermined disposition (the trial court indicated that it would not have stricken the gun enhancement even if it had had the discretion to do so at the original sentencing hearing); and (4) violation of due process. He also indicates that he will be withdrawing his plea agreement.

Defendant’s letter brief offers no basis to reverse the trial court’s order. Defendant provides us with no legal authority and no citations to the appellate record to support his assertions. (*Benach v. County of Los Angeles* (2007) 149 Cal.App.4th 836, 852; Cal. Rules of Court, rule 8.204.)

We have examined the entire record and we are satisfied that defendant’s appellate counsel has fully complied with her responsibilities and that no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436, 441 (*Wende*).)

Defendant has, by virtue of counsel's compliance with the *Wende* procedure and our review of the record, received adequate and effective appellate review of the judgment and sentence entered against him in this case. (*Smith v. Robbins* (2000) 528 U.S. 259, 278; *People v. Kelly* (2006) 40 Cal.4th 106, 123–124.)

The trial court's judgment is affirmed.

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LUI, P.J.

ASHMANN-GERST, J.

CHAVEZ, J.